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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED [ECF NO. 2165]**

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DEFENDANTS' STATEMENT IN SUPPORT OF SEALING**CONFIDENTIAL MATERIALS**

Pursuant to Civil Local Rules 79-5(f)(3) and (c)(1) and the Protective Order entered in this case dated December 28, 2023, ECF 176 ("Protective Order"), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively "Uber"), respectfully submit this statement in support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Material Should Be Filed Under Seal, dated January 28, 2025, ECF 2165 ("Plaintiffs' Motion(s)").

I. BACKGROUND AND REQUESTED SEALING

Plaintiffs' Motion concerns one documents:

Document	Description	Designating Party
Portions of the parties' Joint Letter Brief re: TAR Validation	References to confidential information	Uber

The document at issue is a letter brief related to technology assisted review ("TAR") disputes filed on January 28, 2025. The redacted portions of this document consist of summaries of highly confidential, internal, non-public business operations, strategies, and research, including dates and program names. *See* Cummings Decl. ¶ 2. Disclosure of these documents would harm Uber's business and competitive standing. Uber therefore submits this statement requesting that the Court maintain under seal the redacted portions of the letter brief under Local Rule 79-5(f)(3).

II. LEGAL STANDARD

Documents which do not relate directly to the merits of a case are properly sealed when a moving party makes "a particularized showing under the good cause standard of Rule 26(c)." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations and citations omitted); *see also* *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing an order to seal is necessary to "protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed. R. Civ. P. 26(c).

1 The document here is a letter brief on TAR validation; it is not directly related to a dispositive
 2 motion. *See United States v. Selugh*, 896 F. 3d 1007, 1015 (9th Cir. 2018); *Brown v. Google LLC*,
 3 2022 WL 4227545, at *1; *Adtrader, Inc. v. Google LLC*, 2020 WL 6387381 at *1 (N.D. Cal. Feb. 24,
 4 2020). Therefore, the good cause standard applies. Discovery motion materials “are actually one step
 5 further removed in public concern from the trial process than the discovery materials themselves.”
 6 *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the interests of private parties
 7 and public disclosure when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

8 Courts in this Circuit seal confidential business information under the good cause standard,
 9 including business data like the portions of the letter brief at issue here. *See, e.g., Blockchain*
 10 *Innovation, LLC v. Franklin Resources, Inc.*, 2024 WL 4394758, at *3 (N.D. Cal. 2024) (sealing
 11 documents containing confidential information on “internal business strategy and corporate
 12 decisionmaking, as well as internal budgeting and finances”); *Jones v. PGA Tour, Inc.*, 2023 WL
 13 7440303, at *2 (N.D. Cal. 2023) (sealing document containing confidential information on, among
 14 other things, “strategic launch plans; financials; internal decision-making processes”); *Skillz Platform*
 15 *Inc. v. AviaGames Inc.*, 2023 WL 6135556, at *2 (N.D. Cal. 2023) (sealing confidential information
 16 such as “internal business plans and propriet[ar]y information about a [party’s] products”).

17 **III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL**

18 The redacted portions of the document at issue consist of summaries of highly confidential,
 19 internal, non-public business operations, strategies, and research, including dates and program names.
 20 *See Cummings Decl.* ¶¶ 2-3. Uber has a legitimate interest in sealing the un-redacted version of these
 21 documents in order to avoid harm to its competitive standing and business interests. There are no less
 22 restrictive alternatives to sealing the documents as the brief has already been narrowly redacted. *See*
 23 *id.*

24 **A. Failing to Seal the Documents Would Harm Uber**

25 **i. Portions of the parties’ Joint Letter Brief re: TAR Validation**

26 This document is a Joint Letter Brief submitted by the parties in connection to a discovery
 27 dispute on TAR validation. It contains references to highly confidential, internal, non-public business
 28

operations, strategies, and research. This Court has sealed this kind of information before repeatedly: *See, e.g., Blockchain Innovation, LLC v. Franklin Resources, Inc.*, 2024 WL 4394758, at *3 (N.D. Cal. 2024); *Jones v. PGA Tour, Inc.*, 2023 WL 7440303, at *2 (N.D. Cal. 2023); *Skillz Platform Inc. v. AviaGames Inc.*, 2023 WL 6135556, at *2 (N.D. Cal. 2023).

B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm

No less restrictive alternative to sealing the documents at issue is sufficient. *See Cummings Decl.* ¶¶ 2-3. Actions short of sealing the documents would not protect Uber’s competitive standing and business interests.

IV. CONCLUSION

For the foregoing reasons, Uber respectfully requests that the Court order that the un-redacted version of the document listed above be maintained under seal.

DATED: February 4, 2025

Respectfully submitted,

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